

# Alan Gewirth: An Obituary

## Stephen Brown

Whereas fashions and preoccupations in philosophy regularly change, sometimes dramatically, it is certainly true to say that the noted American moral philosopher, Alan Gewirth, never reached the exalted status enjoyed by contemporaries of his such as Jürgen Habermas or John Rawls, or indeed, critics of his, such as Bernard Williams or R. M. Hare. Here, by briefly exploring Gewirth's thought, I would like to offer a suggestion as to why that is, and also offer a judgment on the merits of his work in its own terms, and its political significance.

Alan Gewirth was born Isidore Gewirtz in 1912, changing his name to Alan when he was eleven. He studied at Columbia and Cornell Universities before gaining his PhD at the University of Chicago, where he remained for the rest of his academic life. The President of both the American Philosophical Association and the American Society for Political and Legal Philosophy, he was also the Edward Carson Waller Distinguished Service Professor Emeritus in Philosophy.

A bibliography of Gewirth's writings numbers over one hundred journal articles and books. His early work focussed on Descartes and the natural law and political philosophy of Marsilius of Padua; he translated the latter's work in 1956. However, by the 1960's he was engaged with the project which would occupy him for the rest of his life, and which resulted in 1978 in the publication of *Reason and Morality*. A model of scrupulous academic rigour and thorough scholarship, this book offered a justification for universal human rights that was frank and open in its rationalism. Drawing inspiration from

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Immanuel Kant, Gewirth argues that all 'Prospective Purposive Agents' must lay a claim right to the generic preconditions of purposeful action, a range of capacities which Gewirth referred to standardly as 'freedom and well-being'. Furthermore, because the justificatory ground for that claim is to be found sufficiently in agency, every agent is necessarily committed to accepting a duty to respect the rights of all who are agents. If I have rights because I am an agent, then whenever I interact with other agents, I must assume they have rights, for the same reasons I do. As such, all agents are committed to the moral Principle of Generic Consistency (PGC), to act in accord with the generic rights of the recipients of one's actions.

A key feature of the argument is what Gewirth calls the 'dialectically necessary method'. Again, indebted to Kant, Gewirth does not try to posit the objective, assertoric truth of the PGC. Rather, he tries to show that all agents are necessarily committed to holding it to be true. This is why the argument is to the PGC. The role of logical necessity is central to the Gewirthian argument.

Philosophers, such as Rawls, have, of course, produced ethical conclusions from idealised internal viewpoints, but Gewirth's theory claims to restrict itself to propositions that the agent must hold (or what follows from what he must hold) if he is not to contradict himself as a purposive being.

Gewirth held this to be a superior strategy in that, whereas an agent might, without contradiction, refuse to operate from the mindset of the 'original position' and 'the veil of ignorance', he or she cannot rationally deny that, in order to have a proximate chance of succeeding in all or any purposes, the generic capacities of action are indispensable. Once this is admitted, however, it also follows that, in claiming to be a Prospective, Purposive Agent (PPA), one must, as a matter of prudential necessity, value and defend these agent essentials and regard interference with them on the part of others as impermissible. Not to do so is equivalent to accepting that it is permissible that others might damage, deny or destroy these generic capacities. This is simply not consistent with the initial claim that one is a PPA and, in effect, demonstrates the dialectical necessity and thus the validity of the proposition which forms the fundamental basis of Gewirthian ethics, namely, that the agent must claim rights to his or her freedom and well-being.

Unsurprisingly, such a contentious theory has received a great deal of critical attention, concentrating on the extent to which:

1. Agents could eschew morality and adopt the terminology of the amoralist.
2. Agents need to claim rights to their freedom and well-being.
3. Agents must grant the rights they hold for themselves to others.

These are complex issues, and I do not intend to do justice to them here. Suffice to say here that even though the jury is still out over objection three, Gewirth himself, in the book and in his numerous papers, has been assiduous both in terms of the presentation and defence of the argument, and his willingness to debate with those who challenge his argument, often on their own terms.

Aside from his many journal articles, *Reason and Morality* was followed in 1984 by a collection of papers entitled *Human Rights: Essays on Justification and Applications*. Here, he sought to both defend and clarify the argument in light of the criticisms of others, and apply the PGC to areas such as civil liberties, war and militarism, and the nature of differing kinds of obligation. Unfortunately, the book was several years too early to publish arguably his best defence and presentation of the argument, "The Justification of Morality", published in *Philosophical Studies* in 1988.

Those in anticipation of a sequel to *Reason and Morality* had to wait until 1996 for the publication of *The Community of Rights*. Here, Gewirth reconciles the supposedly antithetical concepts of individual rights with community in order to outline the kind of society that would allow the PGC to flourish. In so doing, Gewirth outlines a series of social and economic rights, such as rights to private property, employment, and economic democracy. All of which, he claims, would increase every agent's positive right to purpose fulfilment.

Gewirth's final book was *Self-Fulfillment*, published in 1988, and tried to rid the concept of value-neutrality in order to be able to differentiate between self-fulfilled sinners and self-fulfilled saints. Furthermore, even though different cultures at different times have differing ideas on what constitutes self-fulfilment, Gewirth argues that they all have an idea of what self-fulfilment

is. Gewirth argues that self-fulfilment is attainable as a by-product of striving to achieve other purposes. By linking self-fulfilment to purposive action, Gewirth is able to tie his theme to the argument to the PGC.

In order to analyse, rather than simply to describe Gewirth's body of work, I shall split my comments into the areas I described at the beginning. Firstly, I shall comment on Gewirth's achievement in the field of moral philosophy and the extent to which his argument succeeds.

Broadly speaking, Gewirth's argument to the PGC can be split into two parts. The first demonstrates that purposive agents must claim rights to their freedom and well-being. These rights are correlative with a strict ought-judgment that others ought not to interfere with his/her freedom and well-being against his/her will. They comprise both negative rights to noninterference with his generic rights and positive rights for help in attaining them when s/he cannot do so by his/her own efforts. On this part of the argument, I hold Gewirth has proved his point. Hare's criticism of this part of the argument claimed that even though an agent may want his freedom and well-being to be respected, others do not automatically have an obligation to do what others want. Gewirth's response was that his argument does not concern itself with what other agents may want. It does not argue from the perspective of others, or what they might or might not want. Rather it argues only from what the agent who is making the claims must hold. Thus, when the agent says 'others ought not to interfere with my freedom and well-being', he is not making a claim about what is in the interests of others, but what is in his interests. The fact that others may choose to ignore his right-claim, is, with regard to the validity of Gewirth's argument, completely irrelevant, because all Gewirth needs to show is that the agent must claim rights to his freedom and well-being on the basis of their necessity for the proximate success of his purposes. Gewirth has made this argument to a number of his critics who have made similar points, and I would argue that on this stage of his argument, Gewirth has proved and successfully defended his thesis.

However, things are a little less clear on stage two of Gewirth's argument. Here, Gewirth universalises his argument from 'I have rights because I am an agent' to 'I must hold that others have rights because they too are agents'. Now Gewirth means something quite specific here. He is not arguing that the agent should respect the rights of others because they are agents and

therefore have put him under the same obligation he has put them under. Rather, the agent should respect the rights of others because they share the same justificatory criteria for having the rights that he does. Thus, if I acknowledge that I have rights because I am a prospective purposive agent, I must also grant rights to all those who are prospective purposive agents irrespective of whether they themselves hold that they, I, or anyone else has those rights.

Despite the efforts of Gewirth and his defenders, this remains the area of his work that still attracts criticism. In particular, doubt has been expressed over whether an agent can escape from his own prudential perspective, where he considers what is good for him, and consider the rights of others with the same level of support that he does for himself. To settle this matter, those who wish to defend Gewirth's argument need to show beyond doubt that agents must, on the basis of acknowledging that they must have freedom and well-being, acknowledge the general and necessary causal relationship of freedom and well-being to the proximate success of anyone's purposes. If this were achievable, it would, I suggest, prove beyond doubt Gewirth's argument, and would represent the discovery of the Holy Grail of moral philosophy.

However, even if this is not possible, and the second stage of Gewirth's argument cannot be made to work, then this should not diminish what is his powerful and innovative contribution to moral philosophy and to the epistemology of human rights; that agents must, if they want to succeed in their purposes, claim rights to their freedom and well-being. This is a stunning and vital contribution to the debate, and represents a massive shift forward in our understanding of the basis and content of human rights. Despite this, it is arguable that the reception of moral philosophers to Gewirth's method has been far from enthusiastic. Certainly, the argument has weathered a great deal of criticism, however, I would argue that if one notes the application of the argument as well as the argument itself, the picture is not quite as bleak.

In a number of sources, Gewirth has lamented that many of his critics have paid insufficient attention to what he has actually said, and it is indeed true that some writers have misunderstood and misrepresented the dialectically necessary method, or the particular kind of universalisation Gewirth had in mind for stage two of his argument. However, I do not think this explains

why the scepticism surrounding Gewirth's argument is so widespread. There are two possible explanations for this. The first possibility is that Gewirth's critics are correct; and he and those who wish to defend him are wrong. This, of course, is possible, but given there is no universal consensus on where Gewirth has gone wrong, combined with the scrupulous and detailed reasoning Gewirth and others have used to defend the argument, I suggest there may be more to it than his critics have suggested. The second possibility, and the one I favour, is that there is a widespread and often uncritical scepticism, born from moral relativism and some strands of postmodernism, that moral knowledge or moral truths are rationally unattainable. Furthermore, because Gewirth's project is uncompromising in its ambition to demonstrate that rationally, agents ought to act morally, it is one of the few prime targets for the moral sceptic and relativist to attack.

It would be wrong to suggest that this scepticism has been the response of the whole of the philosophical community. In his *Toward a Just Social Order*, published in 1986, Derek L. Phillips argues that Gewirth has succeeded in his rational proof for the right the generic features of action. In 1993, Stuart Toddington's *Rationality, Social Action and Moral Judgment* showed that Gewirth's position could be used foundationally by social scientists who must make scientifically determinable moral judgments when formulating their basic explanatory concepts. More importantly though, in 1991, Deryck Beyleveld's *The Dialectical Necessity of Morality* attempted the mammoth task of defending Gewirth's argument against every published objection to date. He concluded that no one had yet managed to refute Gewirth's argument, but before defending the thesis, Beyleveld outlined his own rational reconstruction of Gewirth's claims, which, despite illuminating and clarifying Gewirth's position, perhaps created confusion over what is the locus classicus of the argument to the PGC. In his foreword to Beyleveld's work, Gewirth says that Beyleveld's interpretation is definitive, yet in both of his books published after 1991, Gewirth retained his own formulation of the argument. I have no judgment of my own to make on which exposition is superior, but given that most critics of Gewirth are focussing on what precisely Gewirth has argued, it is perhaps slightly odd to defend Gewirth with a different formulation upon which the vast majority of Gewirth's critics are not discussing and very likely have not seen. Despite this, Beyleveld's work has done much to defend and clarify Gewirth's position and remains the model of philosophical reasoning in its own right.

However, it is in the application, rather than the justification, of Gewirth's method where the most sympathetic writings are to be found, chiefly in the field of law and, more recently, bioethics. Beyleveld and Roger Brownsword's *Law as a Moral Judgment* (1986) used Gewirth's philosophy to underpin their own argument for natural-law theory, whilst in the 2002 *Human Dignity in Bioethics and Biolaw*, the same authors build on their advances in legal theory to pioneer an ethical theory that can legislate on the developing and complicated spheres of biotechnology and biomedicine. I think what is pertinent here is the impetus Gewirth's work has given to books such as these; as well as the many research papers and journal articles on these and other issues that Beyleveld and Brownsword have collaborated on. It should also be noted that Beyleveld in particular has an expanding number of colleagues and former students from the University of Sheffield who appreciate the value of Gewirth's work in these increasingly complicated areas, and have written and published on them.

An assessment of the social and political reception to Gewirth's argument is more difficult to ascertain. Gewirth spent almost his entire academic career at the University of Chicago, which has a very strong tradition in right-wing libertarianism, particularly in the field of economics. Libertarians such as Roger Pilon, Eric Mack, or Douglas J. Den Uyl and Tribor R. Machan have attempted to use Gewirth's argument to justify their own philosophy. In so doing, they accept the argument for negative rights, but reject the one for positive rights. Their reasons for doing so are quite straightforward. Pilon wants to provide a moral argument that justifies the right of large business corporations to act as they please free from the intervention of the state or any consideration of the public interest. I hold that this represents an unnatural and forced transplantation of Gewirth's moral philosophy from one political tradition to another. However, this political marriage of Gewirth with libertarianism is not universally accepted, and indeed both Gewirth and Beyleveld rejected it because libertarian conclusions do not logically follow from the argument to the PGC.

Away from libertarian thought, the aforementioned work by Phillips reaches quite different political conclusions and in *The Community of Rights*, despite viewing himself as a mix of communitarianism and liberalism, advocates a system of economic democracy, where the workers control the productive process.

In conclusion, despite the avalanche of ethical scepticism and postmodernism that characterised not only the reception to his work, but also the philosophical age in which he lived, Gewirth faced those challenges head on, often on the terms of his opponents, and demonstrated that human agency, rationality and reason can generate human rights and justifiable ethical principles. Gewirth's work has reached not only academics, but also activists and policy-makers, due not only to his published writings, but also to his teaching on the Human Rights Program at the University of Chicago. Ethical Rationalism can not be expected to fare too well in an age of scepticism and postmodernism, but Gewirth leaves behind him a repository of clear and honest argument which, in the opinion of this author, should be received as an invaluable guide to our diverse understandings of human rights.

**Stephen Brown** recently completed a DPhil in Social and Political Thought at the University of Sussex on the thought of Alan Gewirth. He is currently teaching sociology at the University of Brighton.